Remarks

This Application has been carefully reviewed in light of the Office Action mailed October 7, 2005. Applicants appreciate the Examiner's consideration of the Application. Applicants respectfully request reconsideration and allowance of all pending claims.

The Objection to the Specification is Improper

The Examiner objects to the Specification under 35 U.S.C. § 1.71, as being so incomprehensible as to preclude a reasonable search of the prior art by the Examiner. The Examiner provides the following quotation from Claim 1 as the single example to support this objection:

> · supplied in connection with creation of an end-user order for the requested service item, the value not needed to complete the end-user order but collected and supplied to avoid needing to collect the value from the end-user in connection with subsequent creation of an inter-provider order that corresponds to the end-user order.

(Office Action, Page 2). Applicants respectfully traverse.

Applicants respectfully submit that the Examiner's objection to the Specification is improper, because the Examiner has not even shown that the disclosure is difficult to understand, much less so incomprehensible as to preclude a reasonable search. In fact, there are already at least two examples of prior art searches of record and available to the Examiner showing that a reasonable search can be performed. First, in the previous Office Action, Examiner Wasylchak rejected the claims in view of the "Underwood" reference and also attached a Notice of References Cited ("PTO-892") listing three additional references. All of these references were identified through Examiner Wasylchak's prior art search for the present Application. Second, in the Information Disclosure Statement mailed October 23, 2002, Applicants submitted a PCT International Search Report ("ISR") performed in the counterpart International Application No. PCT/US 02/00162 and the references identified in that search report. The specification (including the claims) of International Application No. PCT/US 02/00162 is identical or substantially identical to the Specification (including the

claims) of the present Application. The PTO-892 and the ISR plainly provide evidence that a reasonable search can be performed for the present Application.

Furthermore, the Examiner is obligated to give "full faith and credit" to the previous search by Examiner Wasylchak, the results of which are reflected in the PTO-892 discussed above:

> When an examiner is assigned to act on an application which has received one or more actions by some other examiner, full faith and credit should be given to the search and action of the previous examiner unless there is a clear error in the previous action or knowledge of other prior art. In general the second examiner should not take an entirely new approach to the application or attempt to reorient the point of view of the previous examiner, or make a new search in the mere hope of finding something.

(M.P.E.P. § 704.01). The Examiner has not identified any clear error on the part of Examiner Wasylchak or any knowledge of other prior art. Although the Examiner must use discretion to determine whether an additional prior art search is warranted, the Examiner should not "make a new search in the mere hope of finding something." (*Id.*)

Moreover, the portion of the Specification to which the Examiner objects is readily understandable to a person of ordinary skill in the art, particularly when read along with other portions of the Specification. To assist the Examiner, Applicants respectfully direct the Examiner's attention to portions of the Specification providing context and further describing the subject matter using certain technology and acronyms well-known to those of ordinary skill in the art.

The Background of the Invention describes certain disadvantages of existing systems:

> [T]here has typically been little if any integration between the end-user ordering mechanisms and inter-provider ordering mechanisms. An Operations Support System (OSS) associated with the LSP will typically provide an end-user ordering module that links requested service items to the capabilities of NSPs, but doing so usually requires extensive input of LSP personnel. Inter-provider orders, such as LSRs between LSPs and NSPs, may often contain much more information than end-user orders or may specify similar information but in a different format. A possible solution is to force LSP customer service personnel to interact with end-users, perhaps multiple

times, to obtain all information required for corresponding LSRs. This is undesirable, however, in part because it requires such personnel to have familiarity with the complex details of the LSRs and associated inter-provider ordering modules, practices, or both. This is often unrealistic given the difficulty many LSPs have in hiring and retaining proficient customer service personnel. In addition, some LSPs may not need inter-provider ordering modules or may not have purchased end-user and inter-provider ordering modules from the same company, such that the LSPs would not want information for LSRs unduly complicating their end-user ordering processing. Since CLECs may "error out" as many as fifty percent of LSRs due to incorrect or incomplete data entry, streamlining the LSR creation process is often a significant concern.

(Page 2, Line 21 - Page 3, Line 6).

The Summary of the Invention describes certain advantages of embodiments of the invention:

The present invention allows information, such as values for additional DDL-specified attributes, to be collected from an end-user, supplied on an end-user order, and automatically mapped through to an LSR or other inter-provider order. This allows certain fields of the LSR to be automatically populated without further interaction with the end-user. As a result, the provisioning process is more efficient, more reliable, and less burdensome on the end-user. Furthermore, if the industry mandates changes in the LSR format, one or more DDLs may be readily associated with appropriate item types to accommodate these changes, without requiring new software to be developed. The present invention thus provides an integrated, data-driven, and product catalog centric solution that benefits both LSPs and end-users alike.

(Page 6, Lines 4-14).

The Detailed Description of the Invention describes example item types for collecting and processing information associated with the creation of a product service request ("PSR"), which is a type of end-user request:

[T]he item types 56 in hierarchy 50 provide building blocks that a developer of PSR ordering module 32 controls, and may therefore code against, in specifying the logic implemented within PSR ordering module 32 and information that needs to be collected at the PSR creation stage. Thus, in one embodiment, the item types 56 specify developer defined rules (DDRs) for collecting and processing information associated with the creation of PSRs 40. Moreover, as described more fully below, a developer may code against item

types 56 to specify information that needs to be collected during the PSR creation stage not for use in creating PSRs 40 but for mapping to subsequently created LSRs 42.

(Page 9, Line 32 - Page 10, Line 7).

The Detailed Description of the Invention further describes example use of developer defined labels ("DDLs") that extend attributes of corresponding item types:

Each item type 56 within hierarchy 50 has a corresponding set of features, characteristics, or other attributes for which values need to be supplied in creating a PSR or other end-user order 40. Certain of these values may in turn be needed for LSR or other inter-provider order 42 being created based upon the PSR 40. For values that have already been collected in connection with PSR 40, and which are needed for LSR 42, it is preferable to map those values through to LSR 42 such that they need not be collected again from the end-user 14. Such mapping reduces the inconvenience to end-user 14 in obtaining requested service items 72 and improves the efficiency and reliability of the transaction for LSP 12. Further, there may be values that, while not needed for PSR 40, are needed in later creating an LSR 42 based on PSR 40. It is desirable to collect such information from end user 14 in connection with creation of PSR 40, at the same time other information needed for PSR 40 is being collected, once again to reduce the need to contact the end-user 14 multiple times. According to the present invention, developer defined labels (DDLs) are provided to extend features, characteristics, or other attributes of corresponding item types 56, such that the values that are supplied at the PSR creation stage are mapped through for use at the LSR creation stage.

For example only and not by way of limitation, DDLs 80 associated with "MapLSRPort" item type 56 may include Line Existing Account Number (LEAN) DDL 80 and Line Existing Account Telephone Number (LEATN) DDL 80. This indicates that LEAN and LEATN are additional attributes of "MapLSRPort" item type 56, the item type 56 for "Unbundled Port" service item 72. In the exemplary business scenario 10 described above with reference to FIGURE 1, LSP 12a (from which service is being switched) may need LEAN and LEATN values to properly identify the end-user 14 to effect the switch. In operation, if a customer service representative associated with the LSP 12b (to which service is being switched) is creating a PSR 40 that involves the "Unbundled Port" service item 72, additional LEAN and LEATN fields may be presented to the LSP representative as needing values at the PSR creation stage. The representative obtains the information from end-user 14 and supplies the LEAN and LEATN values in the appropriate fields of PSR 40 or otherwise. As a result, the LEAN and LEATN values may be mapped through for use at the LSR creation stage, along with any other values

collected for "Unbundled Port" service item 72 based on inherent attributes of its "MapLSRPort" item type 56.

(Page 12, Line 15 through Page 13, Line 15).

A person of ordinary skill in the art would readily understand the portion of the Specification to which the Examiner objects, especially when read along with other portions of the Specification such as those presented above.

For at least these reasons, Applicants respectfully request the Examiner to withdraw the objection to the Specification.

The Claims are Definite under 35 U.S.C. § 112, Second Paragraph

The Examiner rejects Claims 1-26 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject mater which Applicants regard as the invention. Applicants respectfully traverse.

As an initial matter, Applicants note that the Examiner has not provided an explanation of the deficiency of the claims or identified particular terms or limitations which render the claims indefinite. (*See* M.P.E.P. § 7.06.03(d)). Applicants respectfully request the Examiner to provide such an explanation, if the Examiner chooses to maintain the rejection. Absent such an explanation, Applicants assume that the Examiner is asserting that the language from Claim 1, quoted by the Examiner in support of the objection to the Specification discussed above, is indefinite. Applicants respectfully disagree.

The essential inquiry pertaining to the definiteness requirement is whether the claims set out and circumscribe subject matter with a reasonable degree of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of: (a) the content of the particular application disclosure; (b) the teachings of the prior art; and (c) the claim interpretation that would be given by one possessing ordinary skill in the art at the time the invention was made. M.P.E.P. §2173.02. Furthermore, the test for indefiniteness under

Section 112, second paragraph, is whether "those skilled in the art would understand what is claimed when the claim is read in light of the specification." M.P.E.P. § 2173.02 (citing *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.,* 806 F.2d 1565, 1576 (Fed. Cir. 1986)). Applicants respectfully submit that the meaning of Claims 1-26 would be clear to one of ordinary skill in the art at the time of invention such that these claims comply with 35 U.S.C. § 112, second paragraph.

The relevant portion of independent Claim 1 recites:

A system for mapping values collected in connection with creation of end-user orders for communications services to corresponding inter-provider orders, comprising:
    an end-user ordering module operable to:
        determine whether an end-user requested service item contained in a service provider product catalog relates to a service item type having at least one associated developer defined label (DDL), the DDL extending the attributes of the associated service item type by specifying *an additional attribute for which a value may be collected from the end-user and supplied in connection with creation of an end-user order for the requested service item, the value not needed to complete the end-user order but collected and supplied to avoid needing to collect the value from the end-user in connection with subsequent creation of an inter-provider order that corresponds to the end-user order;*

Independent Claims 8, 15, and 22-26 recite certain substantially similar limitations.

Applicants respectfully submit that the meaning and scope of Claim 1 would be clear to one of ordinary skill in the art, whether the claim is read alone or in combination with the Specification. Applicants again respectfully direct the Examiner to the portions of the Specification presented above and included at Page 2, Line 21 - Page 3, Line 6; Page 6, Lines 4-14; Page 9, Line 32 - Page 10, Line 7; and Page 12, Line 15 through Page 13, Line 15.

The scope of Claims 1-26 is reasonably ascertainable by those skilled in the art and, thus, the claims are sufficiently definite. (*See* M.P.E.P. § 2173.05(e) (citing *Ex Parte Porter,*

25 U.S.P.Q.2d 1144, 1145 (Bd. Pat. App. & Inter. 1992)). Applicants respectfully request the Examiner to withdraw the rejection of Claim 1-26 under 35 U.S.C. § 112.

Conclusion

For at least the foregoing reasons, Applicants respectfully request reconsideration and full allowance of all pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Christopher W. Kennerly, Attorney for Applicants at the Examiner's convenience at (214) 953-6812.

Applicants enclose a check in the amount of $120.00 to cover the cost of a one-month extension of time. Applicants believe that no other fees are due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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